

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
REGULAR MEETING  
MONDAY, NOVEMBER 16, 2009**

**ATTENDANCE:** 1<sup>st</sup> Selectman David Campbell; Jayme Stevenson;  
Gerald Nielsen, Jr.; Callie Sullivan; David Bayne

**STAFF:** Karl Kilduff, Administrative Officer

**OTHERS:**

**CALL TO ORDER**

1<sup>st</sup> Selectman Klein called the Regular Meeting to order at 8:00 p.m.

**PUBLIC COMMENT**

There were no public comments.

**NEW BUSINESS**

a) Discuss and Take Action on Acceptance of a Gift and Referral of Same to the RTM

1<sup>st</sup> Selectman Campbell explained that this is from the Darien Technology and Community Fund Foundation for the Darien Police Department Accident Investigation Team to purchase equipment. He said the gift has a value of over \$10,000.

Ms. Sullivan stated that the word "Darein", in the third paragraph, should be corrected.

Mr. Bayne asked about on-going costs. Mr. Kilduff said that he had asked Chief Lovello for that information, and he expects to hear back from him tomorrow.

Ms. Sullivan asked how many personnel would be trained on this equipment, and Mr. Kilduff said that Chief Lovello will respond to him tomorrow.

Mr. Nielsen thanked the Darien Technology Foundation for supporting this.

Ms. Stevenson asked if the actual data collected by the equipment will be admissible as evidence in court, and how many man hours this equipment helps to save over the year. This information will be provided by Chief Lovello.

**\*\* MR. NIELSEN MOVED TO APPROVE A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GIFT FOR ACCIDENT INVESTIGATION SOFTWARE AND EQUIPMENT FOR THE DARIEN POLICE DEPARTMENT**

**WHEREAS, pursuant to Section 2-33 of the Code of the Town of Darien, the Board of Selectmen is empowered on behalf of the Town of Darien to accept gifts, provided gifts do not have a value in excess of Ten Thousand and 00/100 Dollars (\$10,000.00); and**

**WHEREAS, pursuant to Section 2-33a of the Code of the Town of Darien, said gifts in excess of Ten Thousand and 00/100 Dollars (\$10,000.00) may be accepted with action by the Representative Town Meeting of the Town of Darien; and**

**WHEREAS, the Darien Technology and Community Foundation is prepared to fund accident investigation technology for the Darien Police Department; and**

**WHEREAS, the Board of Selectmen wishes to have this gift accepted to support the activities of the Police Department.**

**NOW, THEREFORE BE IT RESOLVED that the Board of Selectmen of the Town of Darien hereby authorizes the acceptance of this gift and directs that this resolution be forwarded to the Representative Town Meeting for its consideration and approval.**

**\*\* MR. BAYNE SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

- b) Discuss and Take Action on Resolution Authorizing and Directing the First Selectman to Execute a Construction Agreement with the State of Connecticut for Pavement Preservation Improvements along Hollow Tree Ridge Road, West Avenue and Leroy Avenue

1<sup>st</sup> Selectman Campbell explained that this money, approximately \$930,000, is from the Federal Government, through the State of Connecticut, and it will be used for paving as part of the stimulus package. The work will begin in the Spring of 2010.

Ms. Sullivan asked why the resolution doesn't state the amount of money they are asking for.

Mr. Kilduff explained that they are not asking for an amount of money, they were given an amount of money. He said that this is the exact resolution the Board acted on previously for the Noroton Heights rail station. SWRPA decided the dollar

amount, the State has taken off an administrative piece, and the Town is left with the balance.

**\*\* MS. STEVENSON MOVED TO APPROVE A RESOLUTION AUTHORIZING AND DIRECTING THE 1<sup>ST</sup> SELECTMAN TO EXECUTE A CONSTRUCTION AGREEMENT WITH THE STATE OF CONNECTICUT FOR PAVEMENT PRESERVATION IMPROVEMENTS ALONG HOLLOW TREE RIDGE ROAD, WEST AVENUE AND LEROY AVENUE**

**WHEREAS, the American Recovery and Reinvestment Act of 2009 appropriated \$302,000,000 to the State of Connecticut to provide funding for highways, bridges and other public safety projects; and**

**WHEREAS, local paving of roads was determined at a regional level as a project which should receive a portion of the above described funding due to its potential stimulus effect; and**

**WHEREAS, local paving of roads was determined at a regional level as a project which should receive a portion of the above described funding due to its potential stimulus effect; and**

**WHEREAS, the required contract plans, specifications and estimates have been prepared for the pavement preservation improvements along Hollow Tree Ridge Road, West Avenue and Leroy Avenue; and**

**WHEREAS, said improvements include, but are not limited to, the mill and overlay of the full width of the roadway, replacement of curbing, drainage structure tops and pavement markings; and**

**WHEREAS, the Board of Selectmen wishes to secure such grant funding for this project.**

**NOW, THEREFORE, BE IT RESOLVED that David M. Campbell, as First Selectman of the Town of Darien, is authorized and directed to execute the agreement entitled: "Agreement between the State of Connecticut and the Town of Darien for the Construction, Inspection and Maintenance of Pavement Preservation Improvements along Hollow Tree Ridge Road, West Avenue and Leroy Avenue utilizing Federal Funds under the American Recovery and Reinvestment Act of 2009 Public Law 111-5 (hereafter "Act")."**

**\*\* MR. BAYNE SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

- c) Discuss and Take Action on a Resolution Referring the Approval of a Mutual Police Assistance Compact to the RTM pursuant to State Statute

1<sup>st</sup> Selectman Campbell said that this is New Canaan and Stamford, not Norwalk.

Mr. Kilduff explained this is different than mutual aid. He further explained that the lead agency is the Chief of the respective municipality.

**\*\* MR. BAYNE MOVED TO AUTHORIZE A RESOLUTION REFERRING THE APPROVAL OF A MUTUAL POLICE ASSISTANCE COMPACT TO THE RTM PURSUANT TO STATE STATUTE**

**WHEREAS, the Town of Darien was part of a successful joint DWI Enforcement Grant application with the Cities of Stamford and Norwalk; and**

**WHEREAS, a formal agreement is required to facilitate sharing of municipal police resources to advance the goals and objectives of the State's regional grant program; and**

**WHEREAS, the nature of the agreement between the three municipalities is different than a standard mutual aid compact for sharing resources in an emergency; and**

**WHEREAS, Connecticut General Statutes 7-148cc allows for the creation of agreements that empower the joint delivery of a municipal service by two or more municipalities so long as such an agreement is approved by the municipalities in the same process an ordinance is approved; and**

**WHEREAS, the Darien Board of Selectmen wishes to participate in a granted-funded regional DWI enforcement program which requires the approval of a Mutual Police Assistance Compact.**

**NOW, THEREFORE, BE IT RESOLVED that the Darien Board of Selectmen hereby approves the Mutual Police Assistance Compact and directs that this resolution be forwarded to the Representative Town Meeting for its consideration and approval as required by Connecticut General Statutes 7-148cc.**

**\*\* MR. NIELSEN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

- d) Discuss and Take Action on Board of Selectmen Meeting Schedule for 2010

1<sup>st</sup> Selectman Campbell discussed the Board of Selectmen meeting schedule for 2010 that was provided, and it was agreed that the January 5, 2010 meeting would be moved to January 6, 2010; the January 19, 2010 meeting would be moved to January 25, 2010, and the February 19, 2010 meeting is listed incorrectly. The correct date is Tuesday, February 16, 2010. The September 7, 2010 meeting is listed incorrectly as Monday; the correct day is Tuesday. Mr. Bayne said he has a potential conflict with the April Department Heads Meeting scheduled for April 8, 2010, but would address it as the date gets closer.

1<sup>st</sup> Selectman Campbell said the revised list will be distributed to the Board of Selectmen.

**\*\* MS. SULLIVAN MOVED TO APPROVE THE BOARD OF SELECTMEN MEETING SCHEDULE FOR 2010, AS AMENDED.**

**\*\* MR. NIELSEN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

e) Discuss Board of Selectmen Priorities for 2010

1<sup>st</sup> Selectman Campbell and the Board of Selectmen reviewed the 2009 Board of Selectmen Statement and Priorities. Ms. Stevenson said she would like to have the opportunity to put a working session on the calendar in order to review the priorities. Some discussion followed, and the following revisions were made.

On the first page, and throughout, change the date from 2009-2010 to 2010-2011.

Under FISCAL RESPONSIBILITY, point #5 should read: "Renegotiate contracts and readjust fees where applicable."

Under FISCAL RESPONSIBILITY, add point #6: "Encourage greater fiscal transparency by grant recipients". Mr. Bayne said this was important to know how the money had been used, and how it is intended to be used going forward. He wanted the grant recipients to tell them how they used the taxpayer's money.

Ms. Stevenson said that she would like to see more public transparency relating to the tax assessment criteria. She wanted taxpayers to understand how their taxes were calculated, and she wanted to have the information in a user-friendly format.

Ms. Sullivan said that the Financial Review and Strategy Committee was successful last year, and she recommends keeping the Committee in place. She mentioned that on point #3 under FISCAL RESPONSIBILITY, the following should be added on, or made a separate point: "Explore more ways to partner with the Board of Education for building costs."

It was agreed that point #1 under HUMAN SERVICES, "Implement Affordable Housing Policy and Plan" should be moved to be its own topic, "AFFORDABLE HOUSING". Points to add under it are: "Implement Affordable Housing Policy and Plan"; "Achieve Moratorium on 8-30G by facilitating the development of more affordable housing in Darien".

Mr. Bayne referred back to the ENVIRONMENT topic, saying that Darien's coastal environment and water quality, shellfishing, etc. have become problematic and need to remain on their radar screen.

Ms. Stevenson asked for clarification on points 3 and 4 under ENVIRONMENT.

Mr. Kilduff replied that the health of Holly Pond is an on-going study with the City of Stamford, when Stamford received DOT grant dollars. The DOT is funding it, not the DEP, as there was an acknowledgment that road salt and sand have gotten into the pond, and they requested the deposits be removed. The consultant was requested to do the study, and the study has been on-going through Stamford's WPCA.

Mr. Kilduff explained that the Friends of Gorham's Pond were seeking grant dollars in order to finance a dredging project. He said that he was not aware of a grant award at this point.

1<sup>st</sup> Selectman Campbell spoke about the Baker Field project, saying that he talked with Mr. Steeger today, and understood that the drainage pipe that goes under the railroad tracks has a sewage line in it, that restricts the flow 16-20%. He said that Mr. Steeger will talk to the State about this problem that dates back quite some time. More discussion took place about the Baker Field project, with regard to the timing of State permits, tree tagging, retention ponds, and having another firm come in and do another study. It was decided that it wouldn't be necessary, as there is already a consultant firm in place to do the study.

1<sup>st</sup> Selectmen Campbell and the Board of Selectmen then discussed the DOWNTOWN AND BUSINESS DEVELOPMENT topic, saying that there are satellite pockets of potential development, and some areas that are underdeveloped. More cohesive planning and smart growth were mentioned as part of the development process.

Ms. Stevenson asked to clarify what the Resource Report is. Mr. Kilduff explained that it is a report prepared by the Connecticut Main Street Center to provide a strategic assessment of the downtown area. The Resource Report was reviewed by the Board of Selectmen last year and forwarded to the Planning & Zoning Commission.

Ms. Sullivan suggested that another topic be added to the Priorities List, EMERGENCY MANAGEMENT/SAFETY/HEALTH, to have as a priority and to address needs relating to these three points. Ms. Stevenson suggested calling it "COMMUNICATIONS".

Under TRAFFIC AND TRANSPORTATION, Mr. Bayne suggested that “Speeding in Darien” be added as a point. It was suggested that contact be made with the Police Commission, and also resurrecting a Committee that was headed by Jim Coley several years ago to address speeding in the Town.

After more discussion regarding the Priorities List, 1<sup>st</sup> Selectman Campbell said the document will be revised to reflect the changes discussed tonight and be distributed to the Board of Selectmen for further revision.

### **1<sup>st</sup> SELECTMAN’S REPORT**

1<sup>st</sup> Selectman Campbell said over the last week, he has enjoyed meeting the employees at Town Hall, who he said are all very helpful. He met with Wayne Fox and asked him to summarize the outstanding legal issues for the Board.

Mr. Bayne suggested that the Board review the document in Executive Session.

### **ADMINISTRATIVE OFFICER’S REPORT**

Mr. Kilduff said that the acquisition of 33 Cherry Street is being paid for with ¾ of FEMA grant dollars. This could possibly be before the RTM for their December meeting. He said the incentive parking program is going well. He said there is a change in the Energy Efficiency Grant. He said the low roof is too obscured by shade to generate anything solar-related. He said they are going to try a new product called Natural Light Harvesting, which is a dimmable ballast and will save 30 kilowatts.

Mr. Nielsen asked about the Hollow Tree Ridge Road bridge. Mr. Kilduff said that it’s the State’s project, and they did a walk-through inspection. The Town and the DOT both pointed out their areas of concern. Additional signage needs to be addressed. The sidewalk on the other side of the tracks is below grade from the street that will have to be repaired in order not to flood or ice over.

Ms. Sullivan asked if there were any more STEEP grants available. Mr. Kilduff said the Town did receive a STEEP grant award for the Fire Training Facility. He said that no new STEEP grant has been declared.

### **AGENDA REVIEW**

Mr. Bayne said he thought it would be helpful for other Boards to come in and keep the Board of Selectmen apprised of updates, issues, etc. He said that the Board of Selectmen were on other committees, and reported back with their updates. He said it would be helpful to meet with Kate Buch and Karl Kilduff prior to the start of the budget season to get an overview.

Ms. Sullivan asked to revisit when Chief Lovello reports to the Board of Selectmen on recent burglaries, increased police activity, etc.

Ms. Stevenson said she would like to have a discussion on Open Space designation. It was mentioned that an ordinance had been suggested within the last year, and Mr. Fox is to update the Board of Selectmen on the progress.

### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

#### **Regular Meeting of October 26, 2009**

**\*\* MR. BAYNE MOVED TO APPROVE THE MINUTES OF OCTOBER 26, 2009 AS AMENDED.**

**\*\* MS. SULLIVAN SECONDED.**

The corrections to the minutes of October 26, 2009 are as follows:

On page 3, 2<sup>nd</sup> paragraph, the 1<sup>st</sup> sentence should read: "Mr. Bayne said that the Board of Selectmen sits in an advisory position when it comes to ordinances, because the sole body responsible for enacting ordinances is the RTM."

On page 3, 5<sup>th</sup> paragraph, the 1<sup>st</sup> sentence should read: "Mr. Bayne said that there will be time for the neighbors to come before the Town and the DHA to voice their opinions about the specific tax abatement request."

On page 3, 7<sup>th</sup> paragraph, 1<sup>st</sup> sentence, change "this" to "AON".

On page 4, 3<sup>rd</sup> paragraph, 1<sup>st</sup> sentence, change "He" to "Mr. Rogers".

On page 4, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence, change "smelled" to "smells".

On page 4, 3<sup>rd</sup> paragraph, add to the end: "Ms. Sullivan asked if it would be "rattish" to provide tax relieve to affordable housing development in general."

On page 4, 4<sup>th</sup> paragraph, the 1<sup>st</sup> sentence should read: "Mr. Bayne said the problem is that tonight's discussion keeps being coupled with DHA's request for a specific tax abatement."

On page 4, 4<sup>th</sup> paragraph, last sentence, change "they" to "Mr. Rogers".

On page 5, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence, thance "they have" to "The Board of Selectmen has".



On page 5, 6<sup>th</sup> paragraph, the sentence should read: “Ms. Sullivan said that everyone is in favor of moving this along, that it was time to stop the crazy cycle of flooding, discussing studies, and doing nothing, and the recommendations are needed to conduct the studies.

**\*\* MOTION PASSED WITH THREE (3) VOTES IN FAVOR (CAMPBELL, BAYNE, SULLIVAN) AND TWO (2) VOTES ABSTAINED (STEVENSON, NIELSEN).**

Regular Meeting of November 2, 2009

**\*\* MR. BAYNE MOVED TO APPROVE THE MINUTES OF NOVEMBER 2, 2009 AS AMENDED.**

**\*\* MS. SULLIVAN SECONDED.**

The corrections to the minutes of November 2, 2009 are as follows:

On page 4, 2<sup>nd</sup> paragraph, the 3<sup>rd</sup> paragraph should read: “He said that the Republican candidate should have disclosed this.”

**\*\* MOTION PASSED WITH THREE (3) VOTES IN FAVOR (CAMPBELL, BAYNE, SULLIVAN) AND TWO (2) VOTES ABSTAINED (STEVENSON, NIELSEN).**

Special Meeting of November 9, 2009

**\*\* MS. SULLIVAN MOVED TO APPROVE THE MINUTES OF NOVEMBER 9, 2009.**

**\*\* MS. STEVENSON SECONDED.**

**\*\* MOTION PASSED WITH FOUR (4) VOTES IN FAVOR (CAMPBELL, SULLIVAN, NIELSEN, STEVENSON) AND ONE (1) VOTE ABSTAINED (BAYNE).**

### **FORTHCOMING MEETINGS**

November 17, 2009	Planning & Zoning Commission General Meeting at 8:00 p.m.
November 17, 2009	Board of Finance Regular Meeting at 7:30 p.m.
November 18, 2009	Parks & Recreation Commission Meeting at 7:30 p.m.
November 23, 2009	Board of Selectmen Regular Meeting at 8:00 p.m.
November 24, 2009	Board of Education Regular Meeting at 7:30 p.m.

### **OTHER BUSINESS**

(Any items added to the agenda require a two-thirds vote)

**ADJOURNMENT**

**\*\* MR. BAYNE MOVED TO ADJOURN.**

**\*\* MR. NIELSEN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9.20 p.m.

Respectfully submitted,

Carolyn Marr  
Telesco Secretarial Services